

SEP 11 12 35 PM '97
RECEIVED BEVERAGE
CONTROL DIVISION**AGREEMENT**

Made this 13 day of August, 1997, by and between Bacchus Importers, Ltd. ("the Applicant"), the Advisory Neighborhood Commission 5A11; the Gateway Community Association; Ricaud Owens.

WITNESSETH

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control (ABC) Board is the Applicant's application for a transfer of its Class "A" wholesalers license to premises at 2800 V Street, N.E., ABC Application #35118-97077P; and

WHEREAS, premises 2800 V Street, N.E. is within the jurisdictional boundaries of the ANC; and

WHEREAS, the parties desire to enter into an agreement commemorating certain understandings regarding the Applicant's operating plans;

NOW, THEREFORE, in consideration of the premises above recited, and the covenants and promises set forth below, the parties agree as follows:

1. No trucks of the licensee will traverse through the adjacent neighborhood or park in the upper parking lot.

2. All customers and suppliers of the licensee will be notified in writing that entrance to the facility will be from V Street. Copies of the notice will be supplied to the ANC.

3. Entrance and exit to and from the upper parking lot will be from Bladensburg Road and the licensee will provide the signage in cooperation with the city and neighbors. §

4. No outdoor PA system will be utilized.

5. In consideration of, and in reliance upon, the commitments reflected in paragraphs 1 through 4 above, the ANC hereby withdraws its protest of Applicant's pending license application.

6. The parties further agree that if there are any alleged breaches of this Agreement, the Applicant will have ten (10) days to cure said alleged breach after written notice from the ANC.

IN WITNESS WHEREOF, the parties have affixed hereunto their hands and seals on the year and day first above-written.

BACCHUS IMPORTERS, LTD.

BY: John Mantis

John Mantis, President

ADVISORY NEIGHBORHOOD COMMISSION 5A11

BY: Commissioner L. A. [Signature]

Lesho C. Bowers President

BY: Gateway Community

BY: Reiland S. Owens

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

Bacchus Importers, Ltd.
t/a same

Application for a Wholesaler's License
Class B - transfer to new location
at premises
2800 V Street, N.E.
Washington, D.C.

Case No. 35118-97077P

Ricaud Owens, Protestant

Paul L. Pascal, Esquire, on behalf of Applicant

John Mantis, President, Bacchus Importers Ltd.

**BEFORE: Barbara L. Smith, Esquire, Chair;
Dennis Bass, Member
Allen Beach, Member
Mary Eva Candon, Esquire, Member
Laverne King, Member
Duane Wang, Member
Eydie Whittington, Member**

ORDER ON WITHDRAWN PROTEST

The application, having been protested, came before the Board for public hearing on July 9, 1997, in accordance with D.C. Code Section 25-115 (c)(5)(1996 Supp.), providing for remonstrants to be heard. Ricaud Owens and Leslie Bournes, President, on behalf of the Gateway Civic Association, filed timely protests by petitions dated June 24, 1997. However, at the roll call hearing on July 9, 1997, Ms. Bournes failed to appear and the Board dismissed her protest on the basis that she has abandoned her opposition against the above application. Further, Protestant Bournes was given ten (10) days to file an explanation regarding her absence from the roll call hearing and failed to do so. Consequently, the Board's decision to dismiss her opposition stands.

The official records of the Board reflect that the parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board.^{1/} Pursuant to the Agreement, the Protestant has agreed to withdraw his protest provided, however, that the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

^{1/} See Agreement dated August 13, 1997.

Bacchus Importers Ltd.

t/a same

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Accordingly, it is this 10th day of September 1997, **ORDERED** that:

1. The protest of Ricaud Owens, be, and the same hereby, is **WITHDRAWN**;
2. The protest of Leslie Bournes, President, on behalf of the Gateway Civic Association, be, and the same hereby, is **DISMISSED**;
3. The above-referenced Agreement between the parties be, and the same hereby, is **INCORPORATED** as part of this **ORDER**;
3. The application of Bacchus Importers, Ltd. t/a same for a wholesaler's license class A at premises 2800 V Street, N.E., be, and the same hereby, is **GRANTED**; and,
4. Copies of this Order shall be sent to the Protestants and the Applicant.

**DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL DIVISION**

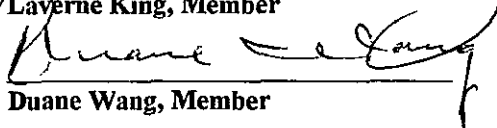

Barbara L. Smith, Esquire, Chair

Dennis Bass, Member


Allen Beach, Member

Mary Eya Candon, Esquire, Member


Laverne King, Member


Duane Wang, Member

Eydie Whittington, Member